

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 600, "General Information," Chapter 604, "License Examination," Chapter 605, "License Issuance," Chapter 615, "Sanctions," and Chapter 630, "Nonoperator's Identification," Iowa Administrative Code.

The proposed amendments provide the Department flexibility in the decision making regarding the issuance of licenses, provide clarification for testing and vehicle equipment to meet current standards related to vehicle operation and the safety of the traveling public, and expand licensing fee payment options.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet E-mail address: [steven.bowman@dot.iowa.gov](mailto:steven.bowman@dot.iowa.gov).

5. Be received by the Office of Policy and Legislative Services no later than December 20, 2011.

A meeting to hear requested oral presentations is scheduled for Thursday, December 22, 2011, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 321.

Proposed rule-making actions:

- ITEM 1. Amend rule 761—600.4(321), parenthetical implementation statute, as follows:

#### **761—600.4(252J,261,321) Persons not to be licensed.**

- ITEM 2. Amend subrule 600.4(4), introductory paragraph, as follows:

**600.4(4)** The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has ~~remained free of episodes~~ not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

- ITEM 3. Amend paragraph **600.4(4)“c”** as follows:

c. If ~~episodes occur~~ an episode occurs when medications are withdrawn by a physician, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

- ITEM 4. Adopt the following new paragraph **600.4(4)“d”**:

d. If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, and the physician is not treating the person for the episode and believes it is unlikely

to recur, the department may license without the six-month episode-free period with a favorable recommendation from a physician.

ITEM 5. Amend subrule 600.16(1) as follows:

**600.16(1)** A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person's health care provider licensed under Iowa Code chapter 148, ~~150, 150A~~ or 151. Form No. 432017, "Iowa Medical Safety Belt Exemption," is available from the office of driver services at the address in rule ~~761—~~600.2(17A).

ITEM 6. Adopt the following **new** definitions in rule ~~761—~~**604.2(321)**:

*"Binocular field of vision"* is the sum of the temporal measurements or the sum of the nasal measurements.

*"Monocular field of vision"* is the sum of the temporal measurement and the nasal measurement for one eye.

ITEM 7. Amend subrule 604.10(2) as follows:

**604.10(2) Method.** At driver's license examination stations, a vision screening instrument ~~or a wall chart~~ shall be used to screen the applicant's vision. An applicant who has corrective lenses may be screened with or without the corrective lenses.

ITEM 8. Amend subrule 604.11(1) as follows:

**604.11(1) Visual acuity standards.**

*a. When the applicant is screened without corrective lenses.* If the visual acuity is 20/40 or better with both eyes or with the better eye, no restriction will be imposed. If the visual acuity is less than 20/40 but at least ~~20/50~~ 20/70 with both eyes or with the better eye, the applicant shall be restricted ~~to~~ from driving when headlights are not required. ~~If the visual acuity is less than 20/50 but at least 20/70 with both eyes or with the better eye, the applicant shall be restricted to driving when headlights are not required and restricted to a maximum speed of 35 m.p.h.~~

*b. When the applicant is screened with corrective lenses.* If the visual acuity is 20/40 or better with both eyes or with the better eye, the applicant shall be required to wear corrective lenses. If the visual acuity is less than 20/40 but at least ~~20/50~~ 20/70 with both eyes or with the better eye, the applicant shall be required to wear corrective lenses and shall be restricted ~~to~~ from driving when headlights are not required. ~~If the visual acuity is less than 20/50 but at least 20/70 with both eyes or with the better eye, the applicant shall be required to wear corrective lenses, restricted to driving when headlights are not required, and restricted to a maximum speed of 35 m.p.h.~~

*c. Other standards.* If the visual acuity in the left eye is less than 20/100, the applicant shall be restricted to driving a vehicle with a both left and right outside rearview ~~mirror~~ mirrors. However, if the applicant has a visual acuity of 20/40 in the right eye and less than 20/100 in the left eye without corrective lenses and has corrective lenses that improve the vision in the left eye to better than 20/100, the applicant shall have the option of being restricted to driving with corrective lenses or driving a vehicle with a both left and right outside rearview ~~mirror~~ mirrors.

ITEM 9. Amend paragraph **604.11(2)"b"** as follows:

*b.* If the binocular field of vision is less than 140 degrees but at least ~~115~~ 110 degrees, ~~and or one eye has a monocular field of vision of at least 70 degrees temporal and 45~~ 100 degrees ~~nasal~~, the applicant shall be restricted to driving a vehicle with both left and right outside rearview mirrors.

ITEM 10. Amend paragraph **604.13(2)"b"** as follows:

*b.* If the applicant's binocular field of vision (~~sum of temporal measurements~~) is less than ~~115~~ 110 degrees, or ~~if neither eye has a monocular field of vision of at least 70 degrees temporal and 45~~ the monocular field of vision is less than 100 degrees ~~nasal~~, the applicant shall not be licensed, subject to discretionary issuance under subrule 604.13(4).

ITEM 11. Amend subparagraphs **604.13(4)"b"(2)** and **(3)** as follows:

(2) An applicant who cannot attain a visual acuity of ~~20/200~~ 20/199 with both eyes or with the better eye shall not be licensed.

(3) If an applicant's binocular field of vision (~~sum of temporal measurements~~) or monocular field of vision is less than ~~95~~ 75 degrees, ~~or if neither eye has a monocular field of vision of at least 60 degrees temporal and 35 degrees nasal~~, the applicant may be considered for licensing only after recommendation by the medical advisory board.

ITEM 12. Adopt the following new subparagraph **604.13(4)“b”(4)**:

(4) An applicant who cannot attain a binocular or monocular field of vision of 21 degrees shall not be licensed.

ITEM 13. Amend subrule 604.30(3) as follows:

**604.30(3) Test score.** The examiner shall use the standard departmental score sheet and shall enter the test score and the licensing decision in the spaces provided. At the end of the test, the examiner shall explain the test score ~~and give the applicant the original score sheet which is valid for 90 days.~~ The test score result is valid for 90 days.

ITEM 14. Amend subrule 605.5(1) as follows:

**605.5(1) For all licenses.** The following restrictions may apply to any driver's license:

- B—Corrective lenses required
- C—Mechanical aid (as detailed in the restriction on the back of the card)
- D—Prosthetic aid (as detailed in the restriction on the back of the card)
- E—Automatic transmission
- F—Left and right outside ~~mirror~~ rearview mirrors
- G—No driving when headlights required
- H—Temporary restricted license or permit (work permit)
- I—Ignition interlock required
- J—Restrictions on the back of card
- S—SR required (proof of financial responsibility for the future)
- T—Medical report required at renewal
- U—Not valid for 2-wheel vehicle
- ~~V—Left and right outside mirrors~~
- W—Restricted commercial driver's license (CDL)
- Y—Intermediate license

ITEM 15. Amend subrule 605.5(2) as follows:

**605.5(2) For a noncommercial driver's license.** The following restrictions apply only to a noncommercial driver's license:

- P—Special instruction permit
- Q—No interstate or freeway driving
- ~~R—Maximum speed of 35 mph~~

ITEM 16. Amend subrule 605.5(3) as follows:

**605.5(3) For a commercial driver's license.** The following restrictions apply only to a commercial driver's license:

- K—Commercial driver's license intrastate only
- L—Vehicle without air brakes
- M—Except Class A bus
- N—Except Class A and Class B bus
- O—Except tractor-trailer
- V—Medical Variance document required

ITEM 17. Amend subrule 605.5(5) as follows:

**605.5(5) Additional information.**

~~a.—Hearing impairment. A person with a hearing aid or a noticeable loss of hearing may be restricted to a motor vehicle equipped with a left outside rearview mirror.~~

~~b.~~ a. *Reexamination or report.* The department may issue a restriction requiring a person to reappear at a specified time for examination. The department may require a medical report to be submitted. The department shall send Form 430029 as a reminder to appear.

~~e.~~ b. *Loss of consciousness or voluntary control.*

(1) If a person is licensed pursuant to 761—subrule 600.4(4), the department shall issue the first driver's license with a restriction stating: "Medical report to be furnished at the end of six months."

(2) If this medical report shows that the person has been free of ~~episodes~~ an episode of loss of consciousness or voluntary control since the previous medical report and the report recommends licensing, the department shall issue a duplicate driver's license with a restriction stating: "Medical report required at renewal." At each renewal accompanied by a favorable medical report, the department shall issue a two-year driver's license with the same restriction.

(3) If the latest medical report indicates the person experienced only a single nonrecurring episode, the cause has been identified, and the physician is not treating or has not treated the person for the episode and believes it is unlikely to recur, the department may waive the medical report requirement upon recommendation by the medical advisory board receipt of a favorable recommendation from a physician.

(4) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a physician and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control and has not been prescribed medications to control such episodes during the 24-month period immediately preceding application for a license.

(5) The department may remove the medical report requirement and issue a full-term driver's license if recommended by a physician and if the latest medical information on file with the department indicates the person has not had an episode of loss of consciousness or voluntary control during the 10-year period immediately preceding application for a license.

~~d.~~ c. *Financial responsibility.* When a person is required under Iowa Code chapter 321A to have future proof of financial responsibility on file, the license restriction will read: "SR required." The license shall be valid only for the operation of motor vehicles covered by the class of license issued and by the proof of financial responsibility filed.

~~e.~~ d. *Vision restriction.* Restrictions relating to vision are addressed in 761—Chapter 604.

ITEM 18. Amend rule 761—605.9(321), introductory paragraph, as follows:

**761—605.9(321) Fees for driver's licenses.** Fees for driver's licenses are specified in Iowa Code section 321.191. A license fee may be paid by cash, check, credit card, debit card or money order. If payment is by check, the following requirements apply:

ITEM 19. Rescind and reserve rule **761—605.10(321)**.

ITEM 20. Amend rule 761—615.24(252J,261,272D), parenthetical implementation statute, as follows:

**761—615.24(252J,261,272D) Suspension upon receipt of a certificate of noncompliance.**

ITEM 21. Rescind and reserve subrule **615.24(3)**.

ITEM 22. Amend rule **761—615.24(252J,261)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126, and 261.127, ~~272D.8 and 272D.9.~~

ITEM 23. Rescind and reserve subrule **630.2(6)**.